

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS

180 HIGH STREET

WAKEFIELD, RI

MONDAY, DECEMBER 9, 2013

**NOTE:** Individuals requesting interpreter services for the deaf or hard of hearing must call 792-9642 (TDD) or 789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 12/5/2013

**AGENDA – Regular Session  
Town of South Kingstown  
December 9, 2013  
Page 1**

1. A. **WORK SESSION – 6:45 PM**  
All items listed on Town Council agenda are subject to discussion.

- 
- B. **REGULAR SESSION – 7:30 PM**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

- 
- A. **Work Session – November 25, 2013**

- 
- B. **Regular Session – November 25, 2013**

5. **CONSENT AGENDA**

\* \* \* \* \*

- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2012 through 2014: Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of five minutes, or longer at the discretion of the President, and at other times when invited to do so by the President. The public shall address their comments to the question under debate as indicated on the agenda. Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.
- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00 PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.
- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**AGENDA – Regular Session**  
**Town of South Kingstown**  
**December 9, 2013**  
**Page 2**

**6. LICENSES**

- A.** A resolution granting a Holiday Sales License to BASKET CASE, 343A Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief and Communications Superintendent. Application by Catherine Gorham, 211 Sweet Allen Farm Road, Wakefield, RI 02879; New.

**(CA) B.** A resolution granting Victualling Licenses to the following; Renewals:

DADDY'S BREAD, 805 Moonstone Beach Road, Wakefield, RI 02879 subject to approval by the Fire Chief and Communications Superintendent. Application by Jennifer Manzo, 789 Moonstone Beach Road, Wakefield, RI 02879.

GEN-CARE, INC. d/b/a SUBWAY, 99 Fortin Road, Kingston, RI 02881 subject to approval by the Fire Chief and Communications Superintendent. Application by Paul Gencarelli, 36 Tom Harvey Road, Westerly, RI 02891.

GEN-CARE, INC. d/b/a SUBWAY, 1 Keaney Road, Kingston, RI 02881 subject to approval by the Fire Chief and Communications Superintendent. Application by Paul Gencarelli, 36 Tom Harvey Road, Westerly, RI 02891.

L. CALVITTO'S PIZZA & BAKERY, 60 South County Commons Way, Wakefield, RI 02879 subject to approval by the Fire Chief and Communications Superintendent. Application by Ronald A. Ramieri, 259 Chestnut Hill Road, Wakefield, RI 02879.

RITTIPA CORPORATION d/b/a LUK THAI, 249 Main Street, Wakefield, RI 02879. Application by Payao Schmidt, 50 Ella Avenue, Woonsocket, RI 02895.

**(CA) C.** A resolution granting Holiday Sales Licenses to the following; Renewals:

ALL OUTDOORS POWER EQUIPMENT, 4060 Tower Hill Road, Wakefield, RI 02879. Application by Margaret Siligato, 24 Rhode Island Avenue, Narragansett, RI 02882.

**AGENDA – Regular Session**  
**Town of South Kingstown**  
**December 9, 2013**  
**Page 3**

JOHNNY'S BARKIN' BAKERY LLC, 35 South County Commons Way, Unit D4, Wakefield, RI 02879 subject to approval by the Fire Chief and Communications Superintendent. Application by Alexandra E. Miller, 242 Laurel Ridge Lane, North Kingstown, RI 02852.

- (CA) D.** A resolution granting a Miscellaneous Permit to conduct the Ocean's Run ½ Marathon and 5K Road Race on Sunday, March 9, 2014 at 9:00 AM to TRIMOM PRODUCTIONS LLC, 380 Camp Fuller Road, Wakefield, RI 02879 subject to the execution of a hold harmless agreement indemnifying the Town, issuance of a Certificate of Insurance naming the Town as an additional insured for the event in the amounts specified by the Risk Manager, approval by the Traffic and Transportation Review Committee and RIDOT. Application by Katherine C. Robbins, 380 Camp Fuller Road, Wakefield, RI 02879; Renewal.
- (CA) E.** A resolution granting a Miscellaneous Permit to conduct the Crabman Sprint Triathlon on Sunday, July 27, 2014 at 6:30 AM to TRIMOM PRODUCTIONS LLC, 380 Camp Fuller Road, Wakefield, RI 02879 subject to the execution of a hold harmless agreement indemnifying the Town, issuance of a Certificate of Insurance naming the Town as an additional insured for the event in the amounts specified by the Risk Manager, approval by the Traffic and Transportation Review Committee and RIDOT. Application by Katherine C. Robbins, 380 Camp Fuller Road, Wakefield, RI 02879; Renewal.

**7. PUBLIC HEARING**

- A.** A Public Hearing relative to an application for a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

**CLASS B VICTUALLER LIQUOR LICENSE**

Application for a Class B Victualler Liquor License by Surfside Thai Food, LLC d/b/a Sa-Tang Restaurant, 402A Main Street, Wakefield, RI 02879 by Nina Conklin, Member for the bar and dining room in accordance with a Special Use Permit granted December 21, 2011 by the Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's Office.

Said license is contingent upon the issuance of a Certificate of Good Standing from the Rhode Island Division of Taxation, compliance with all Town Ordinances and regulations, the payment of any municipal taxes and user fees in arrears to the Town, and the correction of any fire code violations.

- B.** A Public Hearing to consider a proposed amendment to the Zoning Ordinance of the Town of South Kingstown, as follows:

**Article 7. Standards for Parking Lots and Loading**

**Section 711. Minimum off-street parking requirements.**

For the purpose of this Ordinance, the following minimum parking space requirements shall apply (a parking space including aisles shall be no less than 350 square feet per vehicle):

\*\*\*\*\*

B. Commercial:

\*\*\*\*\*

*Type of Use*

*Minimum Parking Spaces Required:*

Lunchrooms, restaurants,  
taverns, etc.

1 space for each ~~3~~ 4 persons of total  
capacity

**8. COMMUNICATIONS**

- (CA) A. A communication dated November 25, 2013 from Clarkson Collins, Chairman, Southern Rhode Island Conservation District requesting funding consideration for the organization in the upcoming fiscal year is received and placed on file. (12/5/2013 Miscellaneous, Item II B.)
- (CA) B. Any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**9. COMMENTS FROM INTERESTED CITIZENS**

**10. TOWN MANAGER’S REPORT**

**11. TOWN SOLICITOR’S REPORT**

**12. APPOINTMENTS**

- A. A resolution appointing \_\_\_\_\_ to the \_\_\_\_\_ Board/Committee/Commission for a term to expire in \_\_\_\_\_. (See *Attachment A for Boards and Commissions Appointments Report*)

**13. NEW BUSINESS**

- A.** A resolution affirming or amending the Liquor License Rules and Regulations, Section I. The current number of licenses for each class shall be authorized as indicated below, unless changed by a majority vote of the Town Council:

<u>Class</u>	<u>Number</u>
A – Retail	4 maximum
B – Victualler	26
B – Tavern	2
B – Limited	3
B – Hotel	1
B – M	0
C	0
D – Club Full Privilege	2
D – Limited	0
F	Five per year per organization
F – 1	Five per year per organization
T – Legitimate Theater	1

- B.** A resolution affirming a proclamation presented on December 8, 2013 to Christopher Casey for attaining the rank of Eagle Scout, as follows:

**CHRISTOPHER CASEY**

**WHEREAS, CHRISTOPHER CASEY** has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS, in his** quest to achieve the designation of Eagle Scout his accomplishments have been many, and

**WHEREAS**, for **his** final Eagle Project he worked with the South Kingstown Jonnycake Center in Peace Dale, RI, organized and conducted a community fund raiser to raise monies to provide summer camping kits of insect repellent, sun tan lotion and band aids for at risk youth that participated in local summer camping activities. The project, which involved 18 Scouts and Scouters from Troop 44 Matunuck, generated sufficient funds to provide over 100 camping kits, and

**WHEREAS**, **he** has attained the highest, most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #44 Matunuck, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- C.** A resolution affirming a proclamation presented on December 8, 2013 to Alexander De Luca for attaining the rank of Eagle Scout, as follows:

**ALEXANDER DELUCA**

**WHEREAS**, **ALEXANDER DELUCA** has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS**, in **his** quest to achieve the designation of Eagle Scout his accomplishments have been many, and

**WHEREAS**, for **his** final Eagle Project he worked with the South Kingstown Land Trust, assembled and installed a kiosk at the entrance of the DuVal Trail, as well as serviced and improved existing trails. The project, which involved 20 Scouts and Scouters from Troop 44 Matunuck, took place on parcels owned by the South Kingstown Land Trust and the Rhode Island Department of Environmental Management's properties in Perryville, RI, and



**WHEREAS, he** has attained the highest, most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #44 Matunuck, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- D.** A resolution affirming a proclamation presented on December 8, 2013 to Nicholas Nauges for attaining the rank of Eagle Scout, as follows:

**NICHOLAS NAUGES**

**WHEREAS, NICHOLAS NAUGES** has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS, in his** quest to achieve the designation of Eagle Scout his accomplishments have been many, and

**WHEREAS, for his** final Eagle Project he worked with the School Principal in Matunuck, RI to rehabilitate a neglected nature walk, built and installed benches along the walk for resting and gathering points for outside class sessions. The project, which involved 30 Scouts and Scouters from Troop 44 Matunuck, took place on the grounds of Matunuck Elementary School, and

**WHEREAS, he** has attained the highest, most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #44 Matunuck, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- E. A resolution affirming a proclamation presented on December 8, 2013 to Douglas Wright for attaining the rank of Eagle Scout, as follows:

**DOUGLAS WRIGHT**

**WHEREAS, DOUGLAS WRIGHT** has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS,** in **his** quest to achieve the designation of Eagle Scout his accomplishments have been many, and

**WHEREAS,** for **his** final Eagle Project he worked with the Charlestown Land Trust, assembled and installed a kiosk at the entrance of the Mill Pond Preserve property, serviced and improved existing trails, and rebuilt foot bridges across streams. The project, which involved 23 Scouts and Scouters from Troop 44 Matunuck, took place at the South County Conservancy's Mill Pond Preserve property in Charlestown, RI, and

**WHEREAS, he** has attained the highest most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #44 Matunuck, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- F. A resolution, continued from November 25, 2013, affirming a proclamation presented on November 9, 2013 to Joe "Tiger" Patrick II for his efforts to honor Afghanistan and Iraq Fallen Heroes, as follows:

**JOE "TIGER" PATRICK II**

**WHEREAS, JOE "TIGER" PATRICK II,** a Rhode Island Army veteran who served during Operation Desert Storm volunteered at Ground Zero for three (3) weeks after the 9/11 attacks; and

**WHEREAS**, during his time at Ground Zero he developed an affinity for firefighters and in 2011 completed a memorial walk to honor the families and loved ones of those lost, as well as the first responders in the 9/11 attacks; and

**WHEREAS**, he recently completed a walk across the United States to increase awareness of the 6,722 U.S. service member casualties resulting from the war in Afghanistan and Iraq carrying an American flag and an 8-by-25-foot banner that bears the names and photographs of the fallen, and

**WHEREAS**, **JOE** has been a member of the South Kingstown Elks Lodge #1899 since 1996 and is a lifetime member of the Veterans' of Foreign Wars (VFW) Post #916, benevolent organizations formed to spread goodwill reflective of Joe's volunteer work at Ground Zero and memorial walks, in addition to his dedication to the Buddy Poppy sale, and

**WHEREAS**, the Town Council recognizes the selflessness, dedication and strength it takes to undertake such an endeavor as a cross-country walk and applaud **JOE "TIGER" PATRICK'S** efforts to honor Afghanistan and Iraq Fallen Heroes.

**NOW THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** proclaim November 9, 2013 as **JOE "TIGER" PATRICK II** day in the Town of South Kingstown.

- (CA) G.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to an application for transfer of a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

**CLASS B LIMITED LIQUOR LICENSE**

Transfer of a Class B Limited Liquor License from LOOMIS HOLDING CORP. d/b/a DB'S PIZZA, 546 Kingstown Road, Wakefield, RI 02879 by Chace Loomis, President to BYRNE ENTERPRISES, INC. d/b/a DB'S PIZZA, 546 Kingstown Road, Wakefield, RI 02879 by William H. Byrne, President for the first floor dining area (tables only) as described in a Special Exception granted by the Zoning Board of Review on January 20, 1988; and as further defined in a site plan on file in the Town Clerk's office.

**AGENDA – Regular Session**  
**Town of South Kingstown**  
**December 9, 2013**  
**Page 11**

- (CA) H.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$4,541.42, as shown on Tax Abatement Request No. 499.
- I.** A resolution authorizing an award of bid to Paul Bailey's Chrysler Dodge, 425 Ten Rod Road, North Kingstown, RI 02852 for a 2014 Dodge Journey SE, in accordance with all bid specifications, in an amount not to exceed \$17,406, including trade-in allowance; and as further described in a memorandum from the Building Official to the Town Manager dated December 3, 2013 and entitled "Award of Bid – Pool Car."
- J.** A resolution authorizing the submittal of an application to the Rhode Island Department of Environmental Management for funding through the Recreation Acquisition and Development grant program for the purpose of constructing the proposed bike spur from Broad Rock Play Fields to South County Commons; and as further described in a memorandum from the Director of Leisure Services to the Town Manager dated December 2, 2013 and entitled "RIDEM Grant Application."
- (CA) K.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to a request for additional operational hours between 2:00 AM and 6:00 AM by Rosario's Restaurant Inc. d/b/a Kingston Pizza, 63 Briar Lane, Kingston, RI 02881. Application by Samuel R. Sciabarrasi, President, 40 Carriage Lane, Kingston, RI 02881.
- L.** A resolution authorizing the renewal of annual software support fees with TriTech Software Systems, P.O. Box 203223, Dallas, TX 75320-3226 for the period January 1, 2014 through December 31, 2014 in an amount not to exceed \$17,210; and as further described in a memorandum from the Police Chief to the Town Manager dated December 3, 2013 and entitled "TriTech/IMC Computer Annual Support Fees – Recommendation for Renewal."
- (CA) M.** Any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... "Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official."

**Boards and Commissions Appointments Report**

The following information reflects the status of those Town boards, commissions and committees which have vacancies, members whose terms are expiring and are eligible for reappointment, and/or applications filed for consideration of appointment. The Town Council may make appointments at any meeting.

**Affordable Housing Collaborative Committee (7 members/3 year term)**

Two vacancies: terms expire August 2016 (John Taylor Ellis and Jean Johnson did not wish to be reappointed)

**Board of Trustees of the South Kingstown Library (7 members/3 year term)**

No vacancies

Applicant: Betty J. Cotter (applied 3/13/2013; interviewed 4/22/2013)

**Conservation Commission (7 members/3 year term)**

One vacancy: term expires September 2016 (Peter A. Duhamel resigned October 2013)

Applicants: Timothy A. Ulmschneider (applied 7/29/2013; interviewed 10/28/2013); Christopher J. O'Connor (applied 11/14/2013)

**CRMC Experimental Coastal Erosion Control Technical Review Panel**

Vacancy: resident ex-officio member

Applicant: W. Michael McKenna (applied 11/25/2013)

**Economic Development Committee (11 members/3 year term)**

Four vacancies: 2 terms expire March 2014, 2 terms expire March 2016 (Teresa Tanzi resigned December 2010; Deedra Durocher and Robert Kermes resigned December 2011; Dennis Moffitt was not reappointed)

Applicants: Richard J. Jurczak (applied 11/6/2013); Brian P. Smith (applied 11/15/2013); Frances Alexakos (applied 11/20/2013)

**Historic District Commission (7 members/3 year term)**

Three vacancies: terms expire December 2013, December 2014, and December 2015 (William Sheffield deceased June 2013; Eric Creamer resigned January 2012; Lois Hamblet did not wish to be reappointed)

Applicant: Karen M. daSilva (applied 8/6/2013)

**Partnership for Prevention (7 members/3 year term)**

One member vacancy: term expires June 2015; one Ex-Officio Law Enforcement vacancy (Captain Allen resigned); two Ex-Officio student vacancies

## **Attachment A**

### **Planning Board (7 members/3 year term)**

One vacancy: term expires May 2014 (Fred Morrison resigned September 2013)

Applicants: Frank H. Heppner (applied 5/10/2013); Christopher J. O'Connor (applied 11/14/2013)

### **Route 138 Reconstruction Project Area Committee (11 members/2 year term)**

Three vacancies: terms expire May 2015 (William Sheffield deceased June 2013; Nevan Hanumara and Joseph Paolino did not wish to be reappointed)

### **Trustees of the South Kingstown School Funds (5 members/5 year term)**

Vacancy: one term expires June 2018 (Claire Wilcox moved out of state)

### **Waterfront Advisory Commission (7 members/3 year term)**

Vacancy: one term expires June 2016 (Anne E. Heffron did not wish to be reappointed)

Applicants: Timothy A. Ulmschneider (applied 7/29/2013; interviewed 10/28/2013); Timothy P. O'Neill (applied 8/2/2013); Richard J. Jurczak (applied 11/6/2013)

### **Zoning Board of Review (5 members, 2 alternate members/3 year term)**

Applicant: Christopher J. O'Connor (applied 11/14/2013)